

Windmill Cuts Bills, but Neighbors Don't Want to Hear It

By [RICHARD G. JONES](#)

BEACH HAVEN TERRACE, N.J., July 10 — Tired of paying as much as \$340 per month for gas and electricity at the Cape Cod home here where he has lived for 18 months, Michael Mercurio erected a 35-foot windmill in his backyard last fall that helped reduce his bill to about \$114 — a year.

“It just makes sense,” said Mr. Mercurio, who is 61 and runs a company selling and installing windmills. “This is a clean, renewable source of energy.”

Some of his neighbors say it is also annoying. They say it is too big. They say it is too noisy. And some residents in this middle-class borough on Long Beach Island have gone to court to try to make him take it down, while the township has stilled it since winter.

It is a collision between the ideals of alternative energy and the suburban reality of [New Jersey](#)'s notorious not-in-my-backyard culture, casting Mr. Mercurio in the role of a latter-day environmental knight errant and his neighbor and principal adversary as the ecological equivalent of Cruella De Vil.

What started as one man's attempts to find a cheap, clean energy source has become a frequent topic of coffee conversation among the small community of year-round residents in this town, where Mr. Mercurio has lived since he was 4, and has galvanized some segments of the state's environmental community. And, oh, how the Don Quixote jokes have flowed.

“I hear it all the time,” Mr. Mercurio said, standing in the shadow of his still windmill Tuesday afternoon. “I tell them, ‘you’ve got it all wrong: I’m not fighting against the windmills, I’m fighting for the windmills.’ ”

The clash began in February when two of Mr. Mercurio's neighbors filed a lawsuit in State Superior Court in Ocean County, charging that the township had acted improperly when it issued the permits that allowed him to build the weathered gray steel tower in his backyard.

The township has since agreed that it was in error. Its code prevents any structure from being built that exceeds 32 feet in height; with its 12-foot rotor blades, Mr. Mercurio's windmill grazes 40 feet.

And this spring, the township's council considered amending the code to keep windmills taller than 12 feet from being built. That proposal is pending.

But Mr. Mercurio said that he gave township officials the precise specifications for his windmill — which he called “just a tiny, little, itty-bitty thing” — months in advance of

construction, and that he should not be held accountable for their mistake. “The town gave me a permit, and I built it,” he said.

“People have a right to use any resource on their property, just like oil, coal,” he added. “I don’t understand why they are against this. I really don’t.”

Maybe because, as Mr. Mercurio’s neighbors Patricia Caplicki and John Miller say in the lawsuit, in a 14-mile-per-hour wind, the three fiberglass blades produce noise greater than 50 decibels, the rough equivalent of light traffic or a noisy refrigerator

The suit also says that the spinning blades throw “strobe-like shadows” on their property from noon to sunset.

“It’s not that we’re doing anything to stop the world from turning green,” said George M. Cafarelli, a lawyer for Ms. Caplicki and Mr. Miller who said he had asked them not to discuss the suit with a reporter. “We’re jousting at windmills which have been put up in inappropriate places.”

Richard J. Shackleton, the lawyer for the township, said that officials here were cognizant of environmental concerns and encouraged the use of alternative energy sources like solar panels. (Mr. Mercurio already has 56 solar panels on his home.)

But on a 21-mile-long barrier island that is home to about 9,000 people, Mr. Shackleton said, windmills present a safety hazard and disturb the aesthetics.

“If we had any areas on the island that are big enough to accommodate windmills, we would encourage their use, too,” Mr. Shackleton said.

Opinions about the windmill seem to hinge on how close one lives to it.

Mary Kopp, 81, Mr. Mercurio’s next-door neighbor, thinks that alternative energy “is something we have to look into,” but that his yard is “the wrong place for a windmill like this.”

Bill Kubarewicz, a contractor who frequently does work here but lives about 25 miles away in the Forked River area, said, “It doesn’t seem too bad.”

“I’ve heard it spinning,” Mr. Kubarewicz said. “It’s not like a helicopter or anything. But to live next to it? I don’t know.”

And Suzanne Leta Liou, a spokeswoman for the advocacy group Environment New Jersey, said simply, “We should be trying to maximize our wind potential instead of prohibiting it.”

Mr. Mercurio, who has one American flag flying from the windmill and another in his front yard — not far from a statue of a bald eagle — said that he was entitled to the same

life, liberty and pursuit of wind currents as anyone else. “It’s like if my neighbor doesn’t like the color that I paint my house,” he said. “I have the right to paint my house red, white, blue, the whole Star-Spangled Banner if I want to.”

Mr. Mercurio, who used to work in construction and design, said that he first became interested in the possibilities of wind power about a dozen years ago, and four years ago started a company, Island Wind Inc., to help spread the gospel of clean, windblown energy. Also in his front yard is a handmade sign that reads, “Wind power makes America strong.”

Mr. Mercurio’s model, the Skystream 3.7, which is manufactured by Southwest Windpower, which is based in Arizona, can cost more than \$15,000, fully loaded. The windmill, which generates about two kilowatts of power, can provide about a quarter of the energy Mr. Mercurio needs. The other 75 percent is generated by solar power.

The only fossil fuels that Mr. Mercurio uses are for the natural gas barbecue grill in his backyard and the stove in his home — hence, the utility bill that averages around \$9.50 a month. But since the township shut it down in January, the windmill has not produced anything but controversy (Mr. Mercurio has been relying entirely on solar power), though its curved, clawlike blades, still whirl in an occasional breeze.

On Friday, Judge Vincent J. Grasso of Superior Court suspended the suit against Mr. Mercurio and ordered him to seek a zoning variance from the township’s land use board. That board is expected to rule against Mr. Mercurio, probably sending the matter back to court.

As for Mr. Mercurio, he said the lawsuit was draining his retirement account and had him smoking Marlboros again.

“People always say, ‘Not in my backyard, not in my backyard,’ ” he said. “I want to flip it around. It should start in my backyard.”